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FILED
U.S. DISTRICT COURT
CEDAR RAPIDS HQTRS OFFICE
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

DEC 09 2004

By: _____
DEPUTY

IN THE MATTER OF)

NORTHERN DISTRICT OF IOWA)
FIREARMS POLICY FOR PROBATION)
AND PRETRIAL SERVICES OFFICERS)

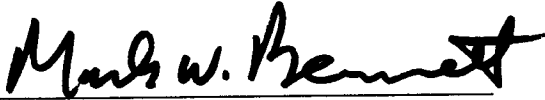
ADMINISTRATIVE ORDER
NO. 04-AO-0008 P

The Court has previously ordered that, to insure their safety, it may be necessary that the probation and pretrial services officers of this Court carry firearms in the execution of their official duties. The Firearms Regulations of the Director of the Administrative Office for U. S. Probation and Pretrial Services Officers have recently been revised and in light of these revisions and the implementation of a search policy in the Northern District of Iowa, the Northern District of Iowa firearms policy has been revised.

ORDER

The Court reaffirms its previous ORDER that pursuant to 18 U.S.C. § 3154(13) and § 3603(9) each regularly appointed probation officer of this Court is authorized to carry a firearm for self-defense purposes during the general performance of his or her duties when qualified and authorized by the Chief Probation Officer.

It is further ORDERED that said probation officers carrying firearms comply with all rules and regulations governing the carrying of firearms by such officer, including the firearms policy of this District, which is approved herein, the firearms regulations of the Director of the Administrative Office of the U. S. Courts, and the national firearms policy.


Mark W. Bennett
Chief Judge United States District Court
Northern District of Iowa

12/6/04
Date

04-AO-0008 P

NORTHERN DISTRICT OF IOWA
UNITED STATES PROBATION & PRETRIAL SERVICES



FIREARMS POLICY

I. DISTRICT POLICY

A. The district's firearms policy is authorized under the provisions of 18 U.S.C. § 3603(9) and as prescribed by the firearms regulations of the Director of the Administrative Office of the U.S. Courts, incorporates the provisions of both the Director's Firearms Regulations and the national firearms policy (see probation and pretrial service manuals). With the court's authorization, probation and pretrial officers are permitted to carry firearms in the performance of their duties generally if the following conditions are met:

1. The Probation Officer has presented to the Chief Probation Officer sufficient reasons in writing why the carrying of a firearm is reasonably necessary:
 - (a) in the performance of his/her duties generally, or
 - (b) in the performance of duty in a specified assignment.
2. The permission of the Chief Probation Officer has been granted in writing.
3. The Chief Judge of the Court has been given actual notice in writing of the permission granted to carry a firearm and he has not objected within 48 hours of the notice.

B. No Probation Officer shall be granted permission to carry a firearm in the performance of his/her duties unless the Probation Officer has completed the approved district Firearms Training Program and has qualified thereunder to carry a firearm.

C. The use of lethal force is limited to defensive situations. An officer may use a firearm only to defend him or herself or a fellow officer from what the officer perceives to be a threat of serious bodily injury or death and retreat is not a safe alternative.

D. A Probation Officer who displays in a menacing manner or discharges a firearm while in the performance of his/her duties shall file a report in writing within twenty-four (24)

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hours describing in detail the occasion on which, and the reason, he/she displayed and/or discharged the weapon.

E. The Chief Probation Officer shall forthwith send copies of the report required under paragraph "D" above to the Chief Judge and the Administrative Office of the United States Court.

F. Shooting at a subject who is fleeing or disengaging the life threatening behavior is prohibited.

G. Warning shots are prohibited.

H. Shooting from moving vehicles is prohibited unless it is necessary in an attempt to flee the life threatening situation. In addition, shooting at a moving vehicle is prohibited unless there is no route of escaping the situation and the officer perceives he/she will suffer death or life threatening injury.

I. Probation Officers must qualify with the weapon that they carry. The authorized weapon is a Glock .40 caliber semi-automatic pistol capable of firing the authorized service ammunition.

J. Probation Officer will not carry or have immediate access to his/her firearm when consuming alcoholic beverages.

K. When in the field, weapons are to be carried, but concealed, on the Probation Officer. At no time will a vehicle containing a firearm locked in the trunk or other lockable gun box or storage container be left unattended unless the vehicle is in a secured setting with controlled or limited public access. ~~It is acceptable to lock the weapon in the vehicle trunk or other attached storage container (other than glove compartments) in vehicles such as trucks and vans when commuting to or from work. Otherwise, it should be concealed in a holster on the officer.~~ Officers working in the field and out overnight on government per diem may continue carrying their firearm after their last contact in lieu of leaving the weapon in a hotel/motel. It is the determination of the Administrative Office of the U. S. Courts that an officer is considered "on duty" while on government per diem. Officers shall not consume alcoholic beverages while carrying their firearms.

L. Weapons and holsters shall not be displayed in any Probation Office and shall not be stored in desks. Every officer who is assigned a weapon shall have a gun safe type locking box attached to their desk or other similar furniture in their office. When the weapon is not being carried in a concealed manner, the weapon shall be kept in the attached locking box type safe. The officer may also choose to store the weapon in the office safe. ~~Unless an approved safe or similarly fixed firearms storage cabinet is available and/or utilized for storage, Probation~~

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~~Officers must keep firearms and holsters concealed on their person.~~

1. Due to the increased dangers involved in searches, officers assigned search teams and trained in search team tactics, may wear their weapons in a non-concealed manner on a district approved duty belt and holster during the execution of a search. When weapons are worn in such a manner the officer shall have his/her badge clearly displayed either on the belt or on a neck chain and be preferably wearing identifiable "U. S. PROBATION" jackets or shirts.

M. In order to maintain authorization to carry a firearm, Probation Officers must be trained and requalified using the approved course of fire every six months or as otherwise directed by the Chief Probation Officer (in no case can qualification exceed 1 year). The minimum passing qualifications score is 80%.

N. Probation Officers failing to obtain a passing score at any point must cease carrying their weapon until such time as they obtain a passing score. The District Firearms Officer will notify the CUSPO when a Probation Officer has failed to qualify or attend scheduled training sessions.

O. All holsters must have a keeper strap or an approved design that prevents the pistol from falling out of the holster's compartment, and should enclose the trigger guard. Holsters worn inside the waistband are permissible if the holster is equipped with a positive-type retainer and retaining strap and is approved by the Firearms Instructor.

P. It is recommended that U. S. Probation and Parole Officers pepper spray when armed and may only carry pepper spray after successfully completing the district pepper spray training and passing the written examination.

Q. Probation Officers will be required to read and sign the District Firearms Policy. The signed policy will be retained in a central district firearms file.

R. Officers in the Northern District of Iowa are assigned the same make and similar models of weapons. However, each officer can only carry the weapon(s) that he/she used at the most recent qualification or to requalify.

S. Any probation or pretrial services officer who loses his or her weapon, has it stolen, or is unable to account for the weapon must file a report with his or her chief within 24 hours of discovering the weapon missing. The report shall describe the factual circumstances in detail. The chief probation officer shall forthwith send copies of the report to the chief judge of the district and to the Director of the Administrative Office, through the Office of Probation and Pretrial Services.

1. Any officer who is unable to account for his or her issued weapon for any reason may be subject to disciplinary action, which may include suspension or termination. Also, if a determination is made by the local court's Board of Survey that the loss or theft of firearm was the result of officer negligence, the officer may be required to replace the firearm.

II. SAFETY

A. General Rules

1. **TREAT ALL FIREARMS AS IF THEY ARE LOADED**
2. Never point a firearm at anyone unless you are justified.
3. Never place your finger on the trigger until you have decided to fire.

B. Specific Rules

1. Guns should be passed from one person to another with the slide locked or cylinder open.
2. A pistol should be unloaded whenever it is removed from the holster for any purpose other than to fire the weapon. If an Officer must permit someone else to examine his/her firearm, the Officer should carefully unload it. The magazine should be removed from the weapon; the chambered round removed from the chamber by working **racking** the slide several times; the slide should be locked open with the chamber being visually and physically inspected twice for the presence of a live round. The weapon should be passed to another with the magazine removed and the slide in the open position.
3. Never point a firearm, loaded or unloaded, at anyone you do not intend to shoot, or in a direction where unintentional discharge could cause injury or damage.
4. Keep finger out of trigger guard until you have decided to fire.
5. In disarming oneself to go to the bathroom, the Officer should remove the gun and holster intact. The gun should be placed in a position that is within his/her immediate control.

C. Safety in Home

1. Government owned weapons at an officer's home must be stored in a locked box or, if not stored in a locked box, it should be secured by a safety barrel cable lock.

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The weapon should be stored unloaded and separate from the ammunition. If a weapon is kept in the home, the family should clearly understand that only its mature members are to handle the gun, and only in case of emergency.

2. Excess ammunition should be kept in a safe location away from the weapon. The ammunition should be stored in a cool, dry place to prevent deterioration.
3. A child's curiosity may cause him to disregard a direct order forbidding him/her to touch a firearm.
4. Older children may be given gun instructions; the extent of this training should be dependant on the child's maturity and the parents' judgment of the value of such training.
5. A gun in the home should be kept where it is available in an emergency, but beyond the reach of a small child and inaccessible to curious teenagers.
6. An Officer should always keep his/her gun in the same location when it is not being used.
7. Adult members of the family should become aware of the gun's location so they may exercise caution while cleaning or working near it.
8. The members of the Officer's family should know the principles of gun safety, and should understand the working of any firearms kept at home.
9. Do not sleep with a loaded pistol within each reach.
10. Store weapon in holster and assume children know location of weapon.

III. KNOWLEDGE OF GUNS AND AMMO

- A. Do not alter any part of gun.
- B. Holsters should provide safety, reliability, accessibility and comfort. Holsters worn inside waistband should have a positive-type retainer and retaining strap.
- C. Holsters should be maintained in a clean and safe condition.
- D. Although .40 caliber Winchester ammunition is approved for qualification, training or target practice, is shall not be used for service ammunition. Approved service ammunition will be Speer .40 caliber S&W 165 grain GDHP-HV ammunition consistent with the type authorized by the Probation Division.

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E. Each officer will be assigned six *high capacity law enforcement only magazines* and added caution should be used to ensure against loss or theft of these magazines as they are not intended for civilian use.

All firearms and holsters must be approved by the District Firearms Officer and must be maintained in a clean and safe condition.

Approved:

Date

Michael Ebinger
Chief U. S. Probation Officer
Northern District of Iowa

I have read and agree to abide by this Firearms Policy.

Date

U. S. Probation Officer

Policy revised 12/26/01 and approved by order of the Court